

REMARKS/ARGUMENTS

Claims 1-16 remain pending in this application for consideration. The Examiner has allowed claims 13 and 14, and has indicated that claims 3-10 and 12 are allowable if rewritten in independent form. By the amendment submitted herewith, claims 15 and 16 have been amended to clarify aspects of the claimed invention. The specification has been amended to correct typographical errors with respect to element numbers shown in the drawings of the application. Support for the amendments is found in the original specification and drawings, Applicant believes that no new matter is introduced by the amendments.

Submitted herewith is a replacement declaration identifying the application number and filing date. Also submitted herewith is a petition for a one month extension of time in which to reply to the outstanding Office Action, along with the requisite fee.

Summary of Telephone Interview

On December 13, 2004, Applicant conducted a telephone interview with the Examiner in which the objection to the drawings in paragraphs 2 and 3 of the Office Action was discussed. With respect to the objection to the drawings raised in paragraph 2 of the Office Action, the Examiner agreed that the view of the apparatus in FIG. 3 depicts all of the "first" and "second" elements recited in claim 13 of the application, and that the "second" elements need only be depicted but are not required to have associated element numbers. With respect to the objection to the drawing raised in paragraph 3 of the Office Action, Applicant noted that a typographical error in the specification incorrectly names the "drive shaft" as element 42, rather than as element 40. There is no single element "42" in the application (only element numbers

42a, 42b, and 42c), thus Applicant's correction of the specification to recite "drive shaft 40" overcomes the Examiner's objection to having no element "42" shown in the drawings.

This summary of telephone interview satisfies Applicant's obligation to provide a written summary of an interview with the Examiner under 37 C.F.R. § 1.333.

Objection to Oath/Declaration

In the Office Action of August 17, 2004, the Examiner objected to the declaration submitted with the original application as defective on the grounds that a non-initialed or dated alteration had been made to the declaration. Submitted herewith is a new declaration in compliance with 37 C.F.R. §1.67(a), identifying this application by application number and filing date. Applicant believes that this new declaration overcomes the Examiner's objection on this point.

Objection to Drawings

The Examiner objected to the drawings as: (1) not showing the first and second door operating linkages recited in claim 15, (2) not showing the second drive hub, the second engagement mechanism, the second aperture, and the second engagement pin referred to in claim 13 of the application; and (3) as not showing element "42" as referred to in the specification of the application.

With respect to objection (1), by the amendment submitted herewith, the reference to the door operating linkages in claim 15 have been removed. Applicant thus believes that the Examiner's objection on this point is overcome, and that no amendments to the drawings are necessary.

With respect to objection (2), FIG. 3 of the original application does show the second drive hub, the second engagement mechanism, the second aperture, and the second

engagement pin referred to in claim 13 of the application. As Applicant discussed with the Examiner in the telephone interview of December 13, 2004, the cited features are present in the drawings, and are not required to be enumerated elements. The present application discloses an apparatus which is essentially symmetrical, therefore Applicant chose not to clutter the drawings with additional element numbers, but instead numbered the elements on only one side of the apparatus and described the symmetry of the apparatus in the specification (see paragraph [0017] of the original application).

Thus, as discussed with the Examiner, no revisions or amendments are required to overcome this objection.

With respect to objection (3), and as discussed with the Examiner, while there are elements 42a, 42b, and 42c in the application, there is no stand-alone element number "42" in the application. The "driveshaft 42" element referred to in paragraph [0023] of the application is a typographical error, the drive shaft is element 40, there is no element "42" in the application. By the amendment to the specification submitted herewith, Applicant has corrected the typographical error and changed the reference to "drive shaft 40".

Thus, as discussed with the Examiner, no revisions to the drawings are required to overcome this objection.

Objection to Specification

The Examiner objected to typographical errors with respect to element reference numbers in the specification. By the amendments to the specification submitted herewith, Applicant has corrected the typographical errors, and believes that the amended specification overcomes the Examiner's objection on this point.

Rejections Under 35 C.F.R. § 112

The Examiner rejected claims 15 and 16 under 35 U.S. C., § 112 (2) as being indefinite for failing to provide proper antecedent basis for limitations in the claims. By the amendments to the claims submitted herewith, Applicant has provided proper antecedent basis for all of the limitations set forth in the claims.

Additionally, the Examiner stated that the means plus function language in claims 15 and 16 was inadequate if no disclosure of what is meant by that language is present in the application. With respect to the "means for supporting", "means for operating", "means for driving", "means for linking", and "means for engaging" in claims 15 and 16, Applicant refers the Examiner to the following locations in the specification where adequate disclosure for each of the cited "means" can be found.

With respect to the means for supporting, paragraph [0018] and [0028] of the specification describe the support frame 12 and the elements supported by said frame. With respect to the means for operating, paragraph [0029] of the specification describes the universal joints 48 of the apparatus attaching to the trap door operating linkage 76 of the trailer 74 to replace the manual cranks and driveshafts used to operate the doors. With respect to "means for driving", paragraph [0026] of the specification describes the drive motor 68. With respect to "means for linking" paragraph [0027] of the specification describes chains 18a, 18b as linking mechanisms between the drive motor and the drive shaft assemblies. Finally, with respect to "means for engaging", paragraph [0030] of the specification describes the engagement assembly 52, comprising engagement pin 56, and engagement aperture 58 on drive sprocket 54a.

Thus, at least appropriate structure for each of the cited "means" is present in the exemplary embodiments disclosed in the specification, and the Examiner's rejection of claims 15

and 16 on this basis should be withdrawn. By directing the Examiner to the examples of structure disclosed in the specification, Applicant is not asserting that these examples are an exhaustive list of all of the corresponding structure disclosed for each of the limitations. Rather, Applicant is simply pointing out examples of such structure to the Examiner for the purpose of overcoming the Examiner's §112 rejection.

Rejections Under 35 C.F.R. § 102(b)

Applicant first notes with appreciation that the Examiner has allowed claims 13 and 14, and has indicated that claims 3-10 and 12 are allowable if rewritten in independent form. The Examiner rejected claims 1, 2, 11, 15 and 16 under 35 U.S.C. § 102(b) as being unpatentable over EP 184510. Applicant respectfully traverses the Examiner's rejection.

Claim 1

Independent claim 1 of the present application requires: a support frame extending between first and second ends, first and second driveshaft assemblies, a single motor assembly, and first and second linking mechanisms coupled between the motor assembly and the driveshaft assembly, wherein the motor assembly is operable to move the linking mechanisms, thus rotating the driveshaft assemblies, which in turn operate commodity trailer hopper doors. As described in the specification motor assembly 14 may be a reversible, electric motor , operated through a remote cable (paragraph [0026] of specification). As further described in the specification, the claimed apparatus allows an operator to safely, easily, and remotely open or close either, or both, commodity trailer trap doors (paragraph [0030] of specification).

The Examiner has cited EP 0184510 as disclosing driveshaft assemblies 9 coupled to trap doors 3,4, a single motor assembly 13, and first and second linking mechanisms 7a, 8a. In fact, EP 0184510 discloses only a relatively conventional manual operating linkage for

trap doors, similar to the type which the apparatus of the present invention is intended to augment.

First, EP 018450 does not disclose a motor assembly as disclosed in the present application. Element 13 of EP 018450 is not a motor assembly, but is simply a transverse rod or tree which connects the operating wheels 14, which are attached at opposite ends of rod 13. Turning either or both of wheels 14 causes rod 13 to turn, which in turn causes the linkages 11, 12 to move on the threaded portion of rod 13, thus moving "driving shaft 9" against the trap door. There is, however, no disclosure that rod itself 13 is a "motor assembly", a motor, or any other type of motive force as described in the present application. Rod 13 is simply a threaded rod, and cannot be considered a "motor assembly" as required in claim 1 of the present application.

Second, since there is no motor assembly disclosed in EP 018450, it follows that there is no linking mechanism for linking the motor assembly disclosed. While the Examiner cites elements 7a and 8a as linking mechanisms, EP 018450 describes them simply as "levers". As seen in FIGS. 1-3, these levers do not link to a motor assembly as required in claim 1 of the present application.

Since EP 018450 does not disclose a motor assembly or linkage to a motor assembly as required in claim 1 of the present application, claim 1 is not anticipated by EP 018450, and the Examiner's rejection of claim 1 should be withdrawn.

Claim 2

Claim 2 depends from claim 1. Since claim 1 is allowable for the reasons stated above, claim 2 is thus also allowable, and the Examiner's rejection should be withdrawn.

Furthermore, the Examiner states that EP 018450 discloses "engagement mechanisms" 11, 12, operable to couple first and second linking mechanisms to the first and second driveshaft assemblies. As described in the present application, "engagement mechanism" is a mechanism that allows the drive shaft to be engaged or disengaged from the drive motor to selectively operate the driveshaft.

By contrast, elements 11 and 12 of EP 018450 are simply connecting linkages between transverse rod 13 and "driving shafts" 9 and 10. There is no disclosure of any engagement or disengagement ability of elements 11 and 12. They are permanently attached to the "driving shafts" and transverse rod 13, there is no "engagement" mechanism to speak of. Furthermore, elements 11 and 12 connect transverse rod 13 to "driving shaft" 9. They do not connect any linking mechanism to "driving shaft" 9.

Thus, EP 018450 does not disclose an "engagement mechanism" as required in claim 2 of the present application. For this additional reason, claim 2 is not anticipated by EP 018450, and the Examiner's rejection should be withdrawn.

Claim 15

Independent claim 15 of the present application requires (among other things) a "means for driving" the operating means. As discussed above with respect to claim 1, there is no motor or driving element disclosed in EP 018450. EP 018450 discloses only a manual linkage which is used to manually operate two trap doors.

Since there is no motor or means for driving disclosed in EP 018450 as required in claim 15 of the present application, claim 15 is not anticipated by EP 018450, and the Examiner's rejection should be withdrawn.

Claim 16

Claim 16 depends from claim 15. Since claim 15 is allowable for the reasons stated above, claim 16 is thus also allowable, and the Examiner's rejection should be withdrawn.

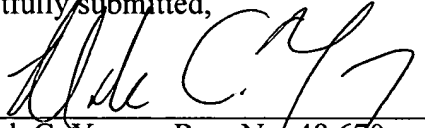
In addition, the Examiner states that EP 018450 discloses first and second engagement means. As discussed above with respect to claim 2, EP 018450 does not disclose any mechanism for engaging or disengaging the "driving shafts" of the apparatus as required in claim 16 of the present application. For this additional reason, claim 16 is not anticipated by EP 018450, and the Examiner's rejection should be withdrawn.

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims of the application are now in condition for allowance and eventual issuance. Such action is respectfully requested. Should the Examiner have any further questions or comments which need be addressed in order to obtain allowance, he is invited to contact the undersigned attorney at the number listed below.

Acknowledgement of receipt is respectfully requested.

Respectfully submitted,

By:


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